



Attorney Docket No.: 005210US  
Client Ref. No.: BRCA

PTO/SB/01A (10-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

#5

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

|                           |  |
|---------------------------|--|
| <b>Title of Invention</b> | METHODS OF DIAGNOSIS OF BREAST CANCER, COMPOSITIONS AND METHODS OF SCREENING FOR MODULATORS OF BREAST CANCER |
|---------------------------|--|

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/058,270, filed on January 24, 2002,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

|            |                             |             |                      |
|------------|-----------------------------|-------------|----------------------|
| Inventor 1 | <u>David H. Mack</u>        | Date:       | <u>2/6/03</u>        |
| Signature: | <u><i>David H. Mack</i></u> | Citizen of: | <u>United States</u> |

|            |                            |             |                      |
|------------|----------------------------|-------------|----------------------|
| Inventor 2 | <u>Kurt C. Gish</u>        | Date:       | <u>2/14/03</u>       |
| Signature: | <u><i>Kurt C. Gish</i></u> | Citizen of: | <u>United States</u> |

|            |                           |             |                |
|------------|---------------------------|-------------|----------------|
| Inventor 3 | <u>Daniel Afar</u>        | Date:       | <u>2/14/03</u> |
| Signature: | <u><i>Daniel Afar</i></u> | Citizen of: | <u>Canada</u>  |

☐ Additional inventors are being named on form(s) attached hereto.

**Burden Hour Statement:** This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1421370 v1

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, David H. Mack of 2067 Monterey Avenue, Menlo Park, CA 94025; Kurt C. Gish of 40 Perego Terrace #2, San Francisco, CA 94131; Daniel Afar of 435 Visitacion Avenue, Brisbane, CA 94005 hereinafter referred to as “Assignors,” are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

**Title of Invention:** METHODS OF DIAGNOSIS OF BREAST CANCER,  
COMPOSITIONS AND METHODS OF SCREENING FOR  
MODULATORS OF BREAST CANCER

**Date(s) of execution of Declaration:**

**Filing Date:** January 24, 2002

**Application No.:** 10/058,270; and

WHEREAS, Eos Biotechnology, Inc., a corporation of the state of Delaware, located at 225A Gateway Boulevard, South San Francisco, CA, 94080, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

NOT FOR RECORDATION

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 2/6/03

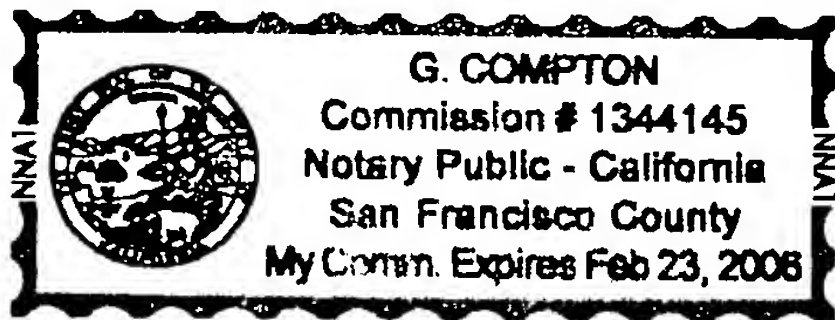
David H. Mack  
David H. Mack

STATE OF California )  
COUNTY OF San Francisco )

ss.

On 2/6/03, before me, G. Compton, Notary Public,  
personally appeared David H. Mack, personally known to me ~~(or proved to me on the basis of~~  
~~satisfactory evidence)~~ to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



G. Compton  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 2/14/03

Kurt C. Gish  
Kurt C. Gish

STATE OF California )  
COUNTY OF San Mateo )

ss.

On 14 February 2003, before me, Beth Calvin,  
personally appeared Kurt C. Gish, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



My Commission Expires: 8/15/03

Beth Calvin  
NOTARY PUBLIC

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.


Dated: 2/14/03

  
Daniel Afar

STATE OF California       )  
                                      )  
COUNTY OF San Mateo    )       ss.

On 14 February 2003, before me, Beth Calvin,  
personally appeared Daniel Afar, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

 BETH CALVIN  
Comm. # 1232265  
NOTARY PUBLIC - CALIFORNIA  
San Mateo County  
My Comm. Expires Aug. 15, 2003  
My Commission Expires: 8/15/03

  
NOTARY PUBLIC

Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |                               |   |
|--|-------------------------------|---|
| <b>POWER OF ATTORNEY OR<br/>AUTHORIZATION OF AGENT</b> | <b>Application Number</b>     | 10/058,270                                    |
|  | <b>Filing Date</b>            | January 24, 2002                              |
|  | <b>First Named Inventor</b>   | Mack  |
|  | <b>Title</b>                  | METHOD OF DIAGNOSIS OF<br>BREAST CANCER, etc. |
|  | <b>Group Art Unit</b>         |   |
|  | <b>Examiner Name</b>          |   |
|  | <b>Attorney Docket Number</b> | 018501-005210US                               |

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:



20350

PATENT TRADEMARK OFFICE

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

|   |  |       |  |     |  |
|---|--|-------|--|-----|--|
| <input type="checkbox"/> Firm or<br>Individual Name |  |       |  |     |  |
| Address   |  |       |  |     |  |
| Address   |  |       |  |     |  |
| City  |  | State |  | ZIP |  |
| Country   |  |       |  |     |  |
| Telephone   |  | Fax   |  |     |  |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

|           |                      |
|-----------|----------------------|
| Name      | DAVID W. MARTIN, JR. |
| Signature | <i>DW Martin Jr.</i> |
| Date      | 24 Feb 2003          |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1422369 v1